



Appeal Decision

Site visit made on 27 November 2020

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07th December 2020

Appeal Ref: APP/D3505/W/20/3256868

Kings Piece Cottage, Holly Lane, Belstead, Ipswich IP8 3LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Smith against the decision of Babergh District Council.
 - The application Ref DC/20/01588, dated 21 April 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the erection of a new dwelling and associated vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline permission with all detailed matters reserved. A block plan has been submitted which is intended to be indicative.

Main Issue

3. The main issue is whether or not the proposal would accord with planning policies for housing development, having regard to its accessibility to services and facilities by sustainable means.

Reasons

4. Belstead is a small village which is close to the urban area of Ipswich. It has limited facilities, these consisting of a hairdresser and village hall. There is no public transport service. The site forms part of the garden of a dwelling which is at the end of a row of six houses that are located outside of and separate from the village.
5. Policy CS2 of the Core Strategy (CS)¹ directs development to identified Core and Hinterland Villages, the latter including Belstead. The policy restricts development in the countryside outside the built up area boundaries (BUABs) of the villages as defined in the development plan. It only allows development in exceptional circumstances subject to a proven justifiable need. No such need has been demonstrated and the proposal does not accord with this policy.
6. Although the underlying approach of Policy CS2 to direct development to sustainable locations is consistent with the National Planning Policy Framework (the Framework), the policy takes a restrictive approach to development in the

¹ Babergh Local Plan Core Strategy & Policies (2014)

countryside which is not consistent with the more flexible approach of the Framework. For this reason, Policy CS2 is out-of-date and this limits the weight that can be given to the proposal's conflict with it.

7. Policy CS11 of the CS does provide some flexibility in that it allows for development to take place outside the BUABs of Hinterland Villages, provided that there is a close functional relationship to the existing settlement. The policy requires that development is adjacent or well related to the existing pattern of development for the settlement. It thus does not impose an absolute requirement for sites to adjoin the BUAB but allows for development that is separate from the boundary.
8. Holly Lane connects to the main routes through the village. It is not a through route and ends at the row of dwellings adjacent to the site. Therefore, the residents of those dwellings have to travel to the village before travelling elsewhere. The site is a short distance from the village, being about 250 metres from the BUAB. Historic mapping demonstrates the relationship of these dwellings to the village since the 19th century. These factors demonstrate a close functional relationship to the village, in my view.
9. Because the proposal would adjoin the historic row of dwellings it would be well related to the existing pattern of development. Planning permissions have been granted for residential developments to the east of the village and outside its BUAB. I saw that the development south of Grove Hill has been built. The approved development to the north of that road would adjoin the southern part of Holly Lane and would extend the built up area of the village closer to the site. This reinforces my findings on the relationship of the site to the village.
10. While the proposal would accord with Policy CS11 in this respect, that policy, similarly to Policy CS2, also requires demonstration that the development would meet a proven local need. This requirement applies to both Core and Hinterland Villages and is consistent with paragraph 77 of the Framework. The proposal does not address this matter and no evidence in this respect has been put to me. I therefore find, on this basis that the proposal does not accord with Policy CS11 of the CS.
11. Holly Lane is a narrow road without footpaths or street lighting. Although these factors mitigate against its use as a walking route, it only serves the group of houses adjacent to the site. Traffic data has been provided which indicates that the road is lightly trafficked. The road has a 30 mph speed limit and is within an easily walkable distance of the village. The facilities available in the village are, however, very limited.
12. Belstead and other villages on the fringe of Ipswich are identified as a functional cluster in the CS. There are facilities within the urban area of Ipswich, including a sixth form college and local shops at Pinewood, which are within about a 4 minute cycling distance along a National Cycle Route and the town centre and railway station are also accessible by bicycle along that route. This option clearly offers sustainable transport to local facilities and services.
13. Any travel by car to Ipswich or to facilities in neighbouring villages would be of limited distance. The proposal would not differ materially from any development within the BUAB of Belstead in terms of its reliance on the car. Policy CS15 of the CS sets out requirements for sustainable development. For

the reasons given, the proposal would accord with Policy CS15(xviii) of the CS which requires minimisation of the need to travel by car.

14. Policies CS11 and CS15 impose a number of other requirements, including that development must be appropriate to its setting, respect the landscape and make a positive contribution to local character. Matters of scale, layout and design do not form part of the application. However, the proposal would relate to the existing row of houses. The site slopes down from the road and there are trees to the rear. The land opposite rises to a higher level. In this context the proposal would not be particularly intrusive in its rural setting.
15. Policy CS1 of the CS reflects the presumption in favour of sustainable development in the 2012 Framework. It refers to "relevant" policies rather than policies which are most important for determining the application and in this respect is out-of-date.
16. The above policies are those which are most important for determining the application. Policies CS1 and CS2 are out-of-date but Policies CS11 and CS15 are consistent with the Framework and are not out-of-date. Taken as a whole, these policies provide some flexibility for housing in rural areas that is related to defined settlements. The policies overall are not out-of-date and consequently, the tilted balance in paragraph 11(d) of the Framework does not apply. The proposal conflicts with key requirements of Policies CS2 and CS11 of the CS and does not accord with the development plan as a whole.
17. For the reasons given above, although the proposal would have some accessibility by sustainable means, it would not accord with planning policies for housing development.

Other Matters

18. Natural England advises that the development falls within a zone of influence for the Stour and Orwell Estuaries Special Protection Area and Ramsar site as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This strategy is based on an assessment that new housing within the zone of influence is likely to have a significant effect on the interest features of the European sites due to increased recreational pressure. The RAMS requires a financial contribution towards mitigation measures. There is no information before me to show that the requisite contribution has been secured. However, because I am dismissing the appeal, I shall not consider this matter further.

Planning Balance and Conclusion

19. The proposal would give rise to some economic benefit, both during construction and from the expenditure of its occupants. The provision of a new dwelling related to the existing village would be of social benefit. The appellant intends to incorporate renewable energy provision. These benefits attract limited weight because of the limited scale of the proposal. That weight is not sufficient to outweigh the policy conflicts that I have identified.
20. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

